

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1572

IN THE MATTER OF:

Served June 22, 1976

Application of WHITE HOUSE SIGHTSEEING)
CORPORATION for Authority to Increase)
Its Rates)

Application No. 929

Order Directing WHITE HOUSE SIGHT-)
SEEING CORPORATION to Comply with)
Regulation No. 55-08)

Consolidated Docket No. 316

By Order No. 1514, served March 12, 1976, the Commission directed White House Sightseeing Corporation (White House) to charge only those fares set forth in its WMATC Tariff No. 1. The Commission also scheduled a public hearing for the purpose of determining whether White House has charged members of the general public fares other than those set forth in its WMATC Tariff No. 1 and whether White House has wilfully failed to comply with Order No. 1514.

By Application No. 929, dated March 24, 1976, White House seeks approval of WMATC Tariff No. 2, which would cancel in its entirety WMATC Tariff No. 1. White House's proposed WMATC Tariff No. 2 sets forth rules, regulations and charges applicable to the transportation of passengers and their baggage, over irregular routes, in charter operations and special operations, round-trip and one-way sightseeing or pleasure tours, from points within the Metropolitan District to points within the Metropolitan District. By Order No. 1525, served March 29, 1976, the Commission suspended WMATC Tariff No. 2, scheduled a public hearing, consolidated the public hearing with a postponed public hearing initially scheduled by Order No. 1514, and directed White House to file certain financial data. The public hearing commenced on April 14, 1976, and was continued on May 17, 1976. No protests or interventions were filed.

White House was issued Certificate of Public Convenience and Necessity No. 1 pursuant to its "grandfather" Application No. 104. See Order No. 157, served June 18, 1962. White House then filed its Interstate Commerce Commission tariff applicable to the authority set forth in the certificate. That tariff is White House's WMATC Tariff No. 1 and bears an effective date prior to the formation of this Commission. White House has not sought to amend or modify WMATC Tariff No. 1 until the filing of Application No. 929 following the Commission's directive to charge only the fares set forth therein.

White House's WMATC Tariff No. 1 specifies the following individual transportation fares for each tour: \$.50 for Tour 1, \$.75 for Tour 2, \$1 for

Tours 3,4 and 9, \$2.50 for Tours 5 and 6, \$3 for Tour 7, and \$3.75 for Tour 8. The tariff provides that the transportation fares refer to continuous transportation and do not include any non-transportation service. The non-transportation services for special operations are defined as follows:

All expense or lump-sum payments for tours may be arranged to include costs such as entrance fees; guides; lecturers; hotel and motel accommodations; meals; boat trips; reservations and tickets for theaters, recitals, sports, exhibits, etc.; use of cameras; pictures, including motion pictures, and parking for automobiles; - all in addition to the transportation fares named in Sections 3 and 4 of this tariff.

White House's WMATC Tariff No. 1 specifies the following charter rates:

<u>Seating Capacity</u>	<u>Hourly Rate</u>	<u>Minimum Charge</u>
6 to 7 passengers	\$ 6	\$30
25 passengers	8	32
30 passengers	9	36
35 passengers	10	40
40 passengers	11	44
45 passengers	12	48

The tariff provides that non-transportation services, similar to those applicable to special operations, would be additional expenses to the charter rates.

White House offers its round-trip, sightseeing or pleasure tours services to members of the general public through the medium of a brochure. The calendar year 1975 brochure set forth a \$7 fare for Tour 2, an \$8 fare for Tours 1 and 10, a \$9 fare for Tour 3, a \$14 fare for Tours 4 and 6, a \$16 fare for Tours 5 and 7, a \$21 fare for Tour 9, and a \$28.50 fare for Tour 11. Tours 3, 5, 7 and 11 set forth a \$2.50 higher fare when part of the tour involved transportation by boat. When accompanied by a parent, a person under 12 years pays only half fare.

White House states that it has not charged fares or rates other than those set forth in its WMATC Tariff No. 1. White House contends that the Commission has jurisdiction with respect to transportation charges and does not have jurisdiction with respect to service charges. White House submits that increases in the expenses attributable to services have resulted in the increases in the amounts paid by individual passengers and charter parties for special operations, round-trip, sightseeing or pleasure tours and charter operations, round-trip, sightseeing or pleasure tours, conducted within the Metropolitan District. According to White House, the transportation charges set forth in WMATC Tariff No. 1 have not been increased.

The Commission's Regulation No. 55-08 mandates in part that "No carrier shall charge or demand or collect or receive a greater or less or different compensation for transportation, or for any service in connection therewith, than the rates, fares, and charges specified in its currently effective tariffs;". The regulation clearly embraces the jurisdiction of this Commission to determine and approve rates, fares, and charges for any services in connection with passenger transportation for hire which are just, reasonable, and not unduly preferential or not unduly discriminatory either between riders or sections of the Metropolitan District. The Commission accordingly owes a duty to the members of the general public to require certificated carriers to charge no fare for services in connection with transportation subject to the Compact other than those specified in a tariff filed by it and in effect at the time. See Compact, Title II, Article XII, Section 5(d).

The Commission finds that White House has charged the rates, fares, and charges specified in its currently effective tariff. The Commission, however, further finds that White House's WMATC Tariff No. 1 has not complied with Regulation 55-08. The Commission currently has under consideration as part of this consolidated docket White House's WMATC Tariff No. 2. That tariff specifies the transportation charges and the charges for services in connection with transportation. The Commission will approve that tariff in part for the reasons set forth hereinafter. Accordingly, the Commission does not find that White House has wilfully failed to comply with Regulation No. 55-08 or Order No. 1514.

White House's WMATC Tariff No. 2 changes its WMATC Tariff No. 1 in several respects. White House sets forth in its proposed Tariff No. 2 that it applies to charter operations, round-trip or one-way, from points in the Metropolitan District to points in the Metropolitan District and to special operations, round-trip sightseeing or pleasure tours, from points within the Metropolitan District to points in the Metropolitan District and one-way sightseeing or pleasure tours from points within the Metropolitan District to points in the District of Columbia. Certificate of Public Convenience and Necessity No. 1 authorizes White House to transport passengers and their baggage, over irregular routes, in charter operations, limited to round-trip, sightseeing or pleasure tours, from points within the Metropolitan District to points within the Metropolitan District and, in special operations, limited to round-trip, sightseeing or pleasure tours, from points within the Metropolitan District to points within the Metropolitan District. To the extent that White House proposes rates and fares applicable to charter operations and special operations beyond its certificate authority, the Commission shall reject White House's WMATC Tariff No. 2. Accordingly, Application No. 929 shall be rejected with respect to rates, fares, and charges proposed for one-way charter operations, round-trip charter operations not limited to sightseeing or pleasure tours, and one-way special operations. In particular, the following proposed rates set forth in White House's WMATC Tariff No. 2 are rejected.

Group Transfers - 30 Minimum

Railroad or bus station and downtown points	\$2.25 per person
Washington National Airport and intermediate areas	2.50 per person
Dulles International Airport to or from downtown	3.00 per person

White House's WMATC Tariff No. 2 proposes the following rate structure for charter operations.

<u>Seating Capacity</u>	<u>Hourly Rate</u>	<u>Minimum Charge</u>
7 to 14 passengers	\$16	\$ 64
39 passengers	25	100
43 to 51 passengers	30	120

The rate structure proposed in WMATC Tariff No. 2 does not include any rates applicable to charter operations in vehicles with seating capacity designed for 25 passengers, 30 passengers, 35 passengers, and 40 passengers as set forth in the current WMATC Tariff No. 1. WMATC Tariff No. 2 also proposes a new rate which would be applicable to charter operations in vehicles with a designed seating capacity for 8 to 14 passengers. White House's equipment list indicates that it owns a vehicle with a designed seating capacity for 38 passengers. Obviously, this vehicle could not be used to render charter operations.

White House's WMATC Tariff No. 2 sets forth the following charges for special operations on specified tours.

<u>Tour Number</u>	<u>Transportation Charge</u>	<u>Fees and Service</u>	<u>Total Price</u>
1	\$.50	\$ 8.50	\$ 9.00
2	1.00	8.00	9.00
3	2.50	7.50	10.00
3-B	2.50	10.00	12.50
4	1.50	13.50	15.00
5	2.50	15.50	18.00
5-B	2.50	18.00	20.50
6	1.00	15.00	16.00
7	2.50	20.50	23.00
8	1.00	9.50	10.50
9	3.50	28.50	32.00
9-B	3.50	31.00	34.50

The transportation charges would be increased by \$.25 for Tour 2, \$.50 for Tour 4, \$1.50 for Tour 3, and \$2.50 for Tour 9 and decreased by \$.50 for Tour 7, \$1.50 for Tour 6, and \$1.75 for Tour 8. The total price for the tours would be increased over the fare set forth in the 1975 calendar year

brochure. The total price would be increased by \$1 for Tours 1, 3, 3-B, and 4, \$2 for Tours 2, 5, 5-B, and 6, \$7 for Tour 7, and \$11 for Tours 9 and 9-B.

The record indicates that the changes in the transportation charges resulted in part from changes in the mileage operated in performing the specified tour itineraries. The remainder of the change in transportation charges is attributable to increased operating expenses resulting from the acquisition of new equipment, fuel and oil costs, wages paid drivers and mechanics, and costs for wheels and tires. The increase for fees and services has resulted from an increase in the per capita admission fees paid on specified tours and the increase in amounts paid to guides and lectures.

White House's WMATC Tariff No. 2 also sets forth per capita fares for group tours. These fares are applicable to the specified tours and are available to groups of 15 to 29 persons to ride with regular tours and to groups of 30 or more persons to have exclusive use of the vehicle. The following charges are proposed in WMATC Tariff No. 2.

<u>Tour Number</u>	<u>Transportation Charge</u>	<u>Adult Fees And Services</u>	<u>Total Adult Price</u>	<u>Student Fees And Services</u>	<u>Total Student Price</u>
1	\$.50	\$ 6.70	\$ 7.20	\$ 6.25	\$ 6.75
2	1.00	6.20	7.20	5.75	6.75
3	2.50	5.50	8.00	5.00	7.50
3-B	2.50	8.00	10.50	7.50	10.00
4	1.50	10.50	12.00	9.75	11.25
5	2.50	11.90	14.40	11.00	13.50
5-B	2.50	14.40	16.90	13.50	16.00
6	1.00	11.80	12.80	11.00	12.00
7	2.50	15.90	18.40	14.75	17.25
8	1.00	7.40	8.40	6.90	7.90
9	3.50	22.10	25.60	20.50	24.00
9-B	3.50	24.60	28.10	23.00	26.50

White House submitted a balance sheet as of December 31, 1975, and an income statement for calendar year 1975 as support for its proposed WMATC Tariff No. 2. The balance sheet reflects total assets \$586,007.59, including depreciated revenue equipment and property \$570,769.95, total liabilities \$422,431.84, including equipment obligations \$377,493.48, and total capital \$163,575.75. The income statement indicates total revenue \$668,560.74, including sightseeing revenue \$240,293.27 and charter revenue \$379,966.78, and total expenses \$637,036.48. The net profit from operations for calendar year 1975 was \$31,524.26 or 4.7 percent of total revenues.

The Commission finds that the rates, fares, and charges specified in White House's WMATC Tariff No. 2 for charter operations and special operations are just, reasonable, and not unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District. Accordingly, the Commission shall grant Application No. 929 and approve White House's WMATC Tariff No. 2 to the extent not rejected hereinbefore.

THEREFORE, IT IS ORDERED:

1. That Application No. 929 of White House Sightseeing Corporation be, and it is hereby, granted in part and rejected in part.

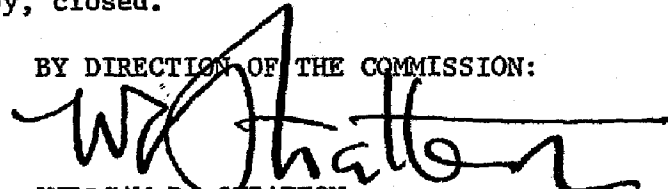
2. That WMATC Tariff No. 2 of White House Sightseeing Corporation be, and it is hereby, rejected with respect to rates, fares, and charges proposed for one-way charter operations, round-trip charter operations not limited to sightseeing or pleasure tours, and one-way special operations.

3. That WMATC Tariff No. 2 of White House Sightseeing Corporation be, and it is hereby, approved to the extent that it has not been rejected hereinbefore.

4. That White House Sightseeing Corporation be, and it is hereby, directed to file two copies of its WMATC Tariff No. 2 cancels Tariff No. 1, revised in accordance with this order, within five days of the service date of this order, said WMATC Tariff No. 2 to be effective as of the service date of this order, upon acceptance by the Executive Director.

5. That Docket No. 316, as instituted by Order No. 1514, served March 12, 1976, be, and it is hereby, closed.

BY DIRECTION OF THE COMMISSION:



WILLIAM R. STRATTON
Vice-Chairman